

December 19, 2005

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **L04P0031**  
Proposed Ordinance No. **2005-0442**

**HUBBELL SUBDIVISION**

Preliminary Plat Application

Location: 12604 Northeast 132nd Street, Kirkland

Applicant: **CamWest Real Estate Development, Inc.**

Attn: Sara Slatten  
9720 Northeast 120<sup>th</sup> Place, Suite 100  
Kirkland Washington 98034  
Telephone: (425) 825-1955

King County: Department of Development and Environmental Services,  
*represented by* **Chad Tibbits**  
900 Oakesdale Avenue Southwest  
Renton, WA 98055  
Telephone: (206) 296-7194  
Facsimile: (206) 296-7051

**SUMMARY OF DECISION/RECOMMENDATIONS:**

Department's Preliminary Recommendation:

Approve with conditions

Department's Final Recommendation:

Approve with revised conditions

Examiner's Decision:

Approve with revised conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:

December 6, 2005

Hearing Closed:

December 6, 2005

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

**1. General Information:**

Owner/Developer: CamWest Real Estate Development, Inc.  
Sara Slatten  
9720 NE 120<sup>th</sup> Place, Suite 100  
Kirkland, WA 98034  
425-825-1955

Engineer: The Blueline Group  
Geoff Tamble, PE  
25 Central Way, Suite 400  
Kirkland, WA 98033  
425-216-4051

STR: 21-26-05  
Location: 12604 NE 132<sup>nd</sup> Street  
Zoning: R-6-SO  
Acreage: 1.91 acres  
Number of Lots: 11  
Density: Approximately 5.76 units per acre  
Lot Size: Range from 4,042-9,147 square feet  
Proposed Use: Single Family Detached Dwellings  
Sewage Disposal: Northshore Utility District  
Water Supply: Woodinville Water District  
Fire District: King County Fire District No. 36  
School District: Lake Washington School District No. 414  
Application Completeness Date: January 20, 2005

2. Except as modified herein, the facts set forth in the DDES reports and testimony to the Examiner are found to be correct and are incorporated herein by reference.
3. The subject property lies in the unincorporated Totem Lake area on the north side of Northeast 132<sup>nd</sup> Street east of 124<sup>th</sup> Avenue Northeast. It is rectangular in shape and 1.91 acres in area. The site's terrain slopes very gently to the west. No regulated sensitive/critical areas are identified as present on site; the property is vegetated primarily with grassy areas and scattered mixed species trees. It is developed with day care center and residential uses. The surrounding area consists primarily of single-family residences on suburban sized lots.
4. Applicant CamWest proposes subdivision of the property into 11 lots for detached single-family residential development. The lot sizes would range from 4,042 square feet to 9,147 square feet. Access to the lots would be provided by the extension of a short public road cul-de-sac northward into the site from Northeast 132<sup>nd</sup> Street; the road would be placed mostly along the

west boundary of the site, with the lots arrayed along the east side and at the north end. A drainage detention and recreation tract would be located in the southeast corner of the site, fronting Northeast 132<sup>nd</sup> Street, and would be improved with drainage and water quality facilities in an underground vault and recreation space and amenities on the surface. The recreation area would be fenced from the abutting street(s), particularly Northeast 132<sup>nd</sup> Street, for child safety.

5. A road standards variance has been granted for intersection spacing on Northeast 132<sup>nd</sup> Street, and a drainage adjustment has been approved to allow the combination of separate drainage sub-basins into a single drainage outlet.
6. Resident elementary and junior high school students will walk to their respective schools, which are both located northeast of the site along 132<sup>nd</sup> Avenue Northeast. High school students will be bused to the senior high school. Safe walking conditions for school pedestrians presently exist along the pertinent walking routes to the schools and bus stop.
7. The property is located in the Northshore Community Planning Area. Chapter 21A.38 KCC special overlay requirement SO-220 (Significant Tree Overlay) applies to the site. The Significant Tree Overlay standards require the development to retain a percentage of the significant trees onsite. To implement KCC 21A.38.230, a detailed tree retention plan must be submitted with the engineering plans for the subdivision.

#### CONCLUSIONS:

1. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R-6-SO zone.
2. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
4. The dedications of land or easements within and adjacent to the proposed plat, as shown on the revised preliminary plat submitted on November 17, 2005, or as required for final plat approval, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.

#### DECISION:

The preliminary plat of the *Hubbell* subdivision, as revised and received November 17, 2005, is approved subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.

3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environment Services.

Any/all plat boundary discrepancy shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant shall obtain documentation by the King County Fire Protection Engineer certifying compliance with the fire flow standards and specifications of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
7. The drainage facilities shall meet the requirements of the 1998 King County Surface Water Design Manual (KCSWDM). The facilities shall meet the requirements for Level 1 Flow Control and Basic Water Quality in the KCSWDM.
8. A drainage adjustment (L05V0055) is approved for this site. All conditions of approval for this adjustment shall be met prior to approval of the engineering plans.

9. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS):
  - a. Road A shall be improved to the urban minor access street standard.
  - b. Modifications to the road standards may be considered according to the variance provisions in Section 1.08 of the KCRS.
  - c. Twelve (12) feet of additional right-of-way for NE 132<sup>nd</sup> Street shall be dedicated along the southern property line, allowing for forty two (42) feet of right-of-way from centerline.
  - d. A Road Variance (L040108) is approved for this site. All conditions of approval for this variance shall be met prior to approval of the engineering plans.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. There shall be no direct vehicular access to or from NE 132<sup>nd</sup> Street from the recreation/drainage facility which abuts it. A note to this effect shall appear on the engineering plans and the final plat.
14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the final plat.
15. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, fencing specs (which shall include child safety fencing from the abutting Northeast 132<sup>nd</sup> Street, and along the internal road to the extent determined appropriate and necessary by DDES), equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.

- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
16. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and landscaping tracts.
17. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 21A.16.050):
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if NE 132<sup>nd</sup> Street is on a bus route. If NE 132<sup>nd</sup> Street is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current county fees.

18. To implement K.C.C. 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of K.C.C. 21A.38.230, as well as the conceptual tree retention plan dated December 22, 2004. No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with K.C.C. 21A.38.230.B.4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to K.C.C. 21A.38.230.B.4.d.(2).

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with K.C.C. 21A.38.230.B.6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

ORDERED this 19th day of December, 2005.

---

Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 19th day of December, 2005, to the following parties and interested persons of record:

Audrey Bolyard  
8838 NE 144th  
Bothell WA 98011

William A. Hoover  
13312 - 127th Ave. NE  
Kirkland WA 98034

Robert R. Jose  
18207 - 134th Ave. SE  
Renton WA 98058

Robert & Isabel Lituri  
12529 NE 134th Pl.  
Kirkland WA 98034

Robert Londo  
10900 NE 8th St., Ste. 900  
Bellevue WA 98004

Sharla Muralt  
13300 - 125th Ave. NE  
Kirkland WA 98034

Carol Plymer  
13202 - 126th Pl. NE  
Kirkland WA 98034

Seattle KC Health Dept.  
E. Dist. Environ. Health  
14350 SE Eastgate Way  
Bellevue WA 98007

Sara Slatten  
CamWest Development  
9720 NE 120th Pl #100  
Kirkland WA 98034

The BlueLine Group  
Attn: Geoff Tumble, PE  
25 Central Way, Ste. 400  
Kirkland WA 98033

Kim Claussen  
DDES/LUSD  
MS OAK-DE-0100

Lisa Dinsmore  
DDES/LUSD  
MS OAK-DE-0100

Nick Gillen  
DDES/LUSD  
MS OAK-DE-0100

Kristen Langley  
DDES/LUSD  
MS OAK-DE-0100

Carol Rogers  
DDES/LUSD  
MS OAK-DE-0100

Steve Townsend  
DDES/LUSD  
MS OAK-DE-0100

Larry West  
DDES/LUSD  
MS OAK-DE-0100

Bruce Whittaker  
DDES/LUSD  
MS OAK-DE-0100

### **NOTICE OF RIGHT TO APPEAL**

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before January 3, 2006***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before January 9, 2006***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### **MINUTES OF THE DECEMBER 6, 2005, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0031.**

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen and Bruce Whittaker, representing the Department; Sara Slatten representing the Applicant, and Geoff Tample.

The following Exhibits were offered and entered into the record:

- |                |   |
|----------------|---|
| Exhibit No. 1  | DDES File No. L04P0031  |
| Exhibit No. 2  | DDES Preliminary Report dated December 6, 2005  |
| Exhibit No. 3  | Application dated December 23, 2004   |
| Exhibit No. 4  | Environmental Checklist dated December 23, 2004   |
| Exhibit No. 5  | Determination of Non-Significance dated October 24, 2005  |
| Exhibit No. 6  | Affidavit of Posting indicating February 10, 2005 as date of posting and February 14, 2005 as the date the affidavit was received by DDES |
| Exhibit No. 7  | Preliminary Plat Map dated November 17, 2005 (Revised)  |
| Exhibit No. 8  | Assessors Maps: SE 21-26-05, NE 28-26-05  |
| Exhibit No. 9  | Kroll Page 419E   |
| Exhibit No. 10 | Revised Level 1 Downstream Analysis prepared by The Blue Line Group, received September 12, 2005  |
| Exhibit No. 11 | L04V0108 Road Variance dated August 3, 2005   |



- Exhibit No. 12 L05V0055 King County Storm Water Drainage Manual (KCSWDM) Adjustment
- Exhibit No. 13 Downstream Map annotated by Bruce Whittaker
- Exhibit No. 14 Tree Preservation and Health Evaluation Report prepared by Arboricultural Consulting dated December 22, 2004
- Exhibit No. 15 School Walkway Inventory received September 12, 2005, prepared by The Blueline Group
- Exhibit No. 16 Preliminary Landscape and Recreation Space Plan dated September 12, 2005, prepared by GHA
- Exhibit No. 17 Utility Plan by The Blueline Group received September 12, 2005

PTD:gao  
L04P0031 RPT